

ATTENTION PCT LEGAL OFFICE

CERTIFICATE OF MAILING
UNDER 37 CFR 1.8(a)



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, PO Box 1450, Alexandria, Virginia 22213-1450

29 July 2003
HUESCHEN AND SAGE

G. Patrick Sage

Dated: 29 July 2003

PF96PCT

* * * * *

Applicant : Jean Pierre GIRAUD & Roger NOBILET
Serial No. : 09/869,768
Filed : June 29, 2001
Title : Dispenser of Objects
Art Unit : 3651
Examiner : Deborah D. WILLIAMS, Esq.

* * * * *

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

RENEWED PETITION UNDER 37 CFR § 1.47(a)

Responsive to the PCT Legal Division's (hereinafter the Office) April 29, 2003 dismissal of the applicants' PETITION UNDER 37 CFR § 1.47(a) filed February 5, 2003, the applicants renew their Petition as follows. The time for response is extended for one (1) month with this response by enclosure of the appropriate fee.

BACKGROUND

On February 6, 2002, the USPTO issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 USC § 371, giving the applicants notice that the Oath or Declaration of the inventors MUST be furnished. On May 9, 2002 the applicants filed with the USPTO a Transmittal of Missing Parts under Certificate of Mailing, which Transmittal included:

**Transmittal of Missing Parts, and accompanying fee of \$130,
Copy of Notice to File Missing Parts,
Declaration and Power of Attorney,
Petition under 37 CFR § 1.47, with accompanying evidence,
Petition for two (2) month Extension, with accompanying \$400.00 fee.**

The date and contents of the filing are not in dispute.

On February 5, 2003 the applicants filed with the USPTO a Renewed Petition Under 37 CFR § 1.47(a) in response to the Office's September 18, 2002 Dismissal. The Renewed Petition included:

A further Petition describing "facts which are relied on to establish that a diligent effort was made..." to contact the non-signing inventor and obtain his signature and concluding that the non-signing/non-responsive inventor "refuses to sign."

A translation of the evidence already of record including evidence of diligent efforts expended in an attempt to obtain the signature of the non-signing inventor. These include:

Registered Letter from the applicant, DOLISOS Laboratoires, to the non-signing inventor soliciting his signature on the Declaration and Power of Attorney dated January 30, 2002, with French Postal Receipt, such receipt acknowledged by signature of the non-signing inventor on February 1, 2002.

Follow-up Letter from the applicant, DOLISOS Laboratoires, to the non-signing inventor soliciting his signature on the Declaration and Power of Attorney dated February 21, 2002, with French Postal Receipt indicating that the non-signing inventor refused to claim the Letter on February 27, 2002.

Follow-up Letter from the applicant, DOLISOS Laboratoires, to the non-signing inventor soliciting his signature on the Declaration and Power of Attorney dated November 5, 2002, with French Postal Receipt, such receipt acknowledged by signature of the non-signing inventor on November 8, 2002.

Follow-up Letter from the applicant, DOLISOS Laboratoires, to the former employer of non-signing inventor (AIRSEC - Groupe CHEMIE) soliciting information and assistance regarding the non-signing inventor.

Response from AIRSEC - Groupe CHEMIE to the applicant, DOLISOS Laboratoires, explaining that the non-signing inventor's former employer has had no contact with the non-signing inventor and explaining that they have not been able to make contact with the non-signing inventor, dated November 18, 2002.

The date and contents of the filing are not in dispute.

R E M A R K S

The applicants acknowledge the April 29, 2002 Office communication. The Office acknowledges the applicants' RENEWED PETITION and its contents. In dismissing the applicants' Renewed Petition of record, the Office finds fault with the applicants' "demonstration that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor for signature." MPEP Section 409.03(d).

That the applicants have submitted the "oath or declaration" to the inventor multiple times is not in dispute.

The Office now solicits evidence that the Specification was presented. Moreover, the Office solicits non-statutory and non-MPEP evidence that the applicants have given the non-signing inventor a deadline for complying, clearly stating that failure to comply would be interpreted as a refusal to sign.

With this response, the applicants are pleased to provide a copy of a Registered Letter from the applicants, Homeopathie DOLISOS, to the non-signing inventor, forwarding a complete copy of the US "patent application US-09/869,768", a complete copy of the "international application PCT/FR/03 317" from which the US application is derived, a "Declaration" for signature by the non-signing inventor for filing in the US application, the applicants' letter providing a deadline for response of June 20, 2003, and explaining that "Failure by yourselves to answer before that deadline will be deemed to be a refusal to sign." The correspondence is provided in its original French form along with a certified translation. Moreover, the applicants provide return postal receipt signed by the non-signing inventor acknowledging receipt. No answer or signed Declaration has been received from the inventor to date.

* * * * *

Thus, as per the Office request, the applicants have provided a Petition by "a person having firsthand knowledge of the facts recited therein", that "a diligent effort was made..." to contact the non-signing inventor and obtain his signature, and that the inventor, when contacted, consistently refuses to sign the Declaration and Power of Attorney. In addition, the applicants have provided Certified translations of the evidence already of record, as well as additional evidence which has become available during the course of the prosecution of the instant application. And finally, the applicants have provided evidence that

the non-signing inventor has been provided with, and has received, a complete copy of the US and International Applications, along with an explanation that failure to sign and return the Declaration by a date certain will constitute a refusal to sign. It is submitted that the applicants have fulfilled, at least, the statutory requirement under 37 CFR § 1.47(a).

Accordingly, reconsideration and withdrawal of the dismissal of the Petition under 37 CFR § 1.47(a), and commencement of the examination of the instant application are all hereby respectfully solicited. It should be apparent that the undersigned attorney has made an earnest effort to comply with more than the statutory requirement. If he can be of assistance to the Office in the elimination of any possibly-outstanding insignificant impediment to immediate examination, the Office is respectfully invited to call him at his below-listed number for such purpose.

Respectfully submitted,

THE FIRM OF HUESCHEN AND SAGE

By:


G. PATRICK SAGE

Dated: July 29, 2003
Customer No.: 25,666
500 Columbia Plaza
350 East Michigan Ave.
Kalamazoo, MI 49007-3856
(269) 382-0030

Enclosures: Copy of June 3, 2003 correspondence forwarding a complete copy of the US and International Applications, along with an explanation that failure to sign and return the Declaration by a certain date would constitute a refusal to sign, Certified Translation of the same,

Fee for one (1) month extension in the form of our check no. 71795 for \$110.00, and

Return Postal Card Receipt.

LAWYERS' AND MERCHANTS' TRANSLATION BUREAU, INC.
Legal, Financial, Scientific, Technical and Patent Translations
11 BROADWAY
NEW YORK, NY 10004



Certificate of Accuracy

TRANSLATION
From French into English

STATE OF NEW YORK } s.s. :
COUNTY OF NEW YORK

On this day personally appeared before me
who, after being duly sworn, deposes and states: Elisabeth A. Lucas

That he is a translator of the **French** and English languages by profession and
as such connected with the **LAWYERS' & MERCHANTS' TRANSLATION**
BUREAU;

That he is thoroughly conversant with these languages;

That he has carefully made the attached translation from the original document
written in the **French** language; and

That the attached translation is a true and correct English version of such original,
to the best of his knowledge and belief.

SUBSCRIBED AND SWORN TO BEFORE ME
THIS

Elisabeth A. Lucas

JUL 23 2003
Susan Tapley
Susan Tapley
Notary Public, State of New York
No. 01TA4999804
Qualified in Queens County
Certificate filed in New York County
and Kings County
Commission Expires July 27, 2006

HOMEOPATHIE

Dolisos

Address for correspondence

Elodie Montagne
1, avenue d'Albi
81106 Castres Cedex - France
Tel.: 05.63.71.47.25-
Fax.: 05.63.71.47.33
Elodie montagne@pierre-
fabre.com

M. GIRAUD Jean-Pierre
7, rue de la Nativité

3 June 2003

REGISTERED LETTER WITH RETURN RECEIPT

Ref.: EM/FE/Lettre Elodie

Re:

DOLISOS/AIRSEC

Patent for Granule Dispensing Tube

Dear Sir:

We wish to point out that we have already sent you three letters regarding the "Granule Dispensing Tube" patent.

We have not yet had any reply from you.

For your assistance, we enclose a complete copy of the American patent application US-09/869,768.

This patent application arises from the international patent application PCT/FR/03 317, of which we also enclose a copy.

You will note that the papers for US patent application 09/869,768 include a document entitled "Declaration": we would be grateful if you would sign this and return it to us.

This document is needed in order to progress the American application.

Please ensure that this document is signed and returned to us before June 20, 2003.

Failure by yourselves to answer before that deadline will be deemed to be a refusal to sign.

With our thanks in advance for your prompt attention to this matter.

Sincerely yours,

[signature]
Elodie Montagne

Encs: 3 documents

LA POSTE
RA 5222 2406
5 FR

Return receipt of
your registered mail

Presented on:
Delivered on: 06/13/03

Laboratoires Dolisos
1 avenue d'Alibi
81100 Castres

LA POSTE

Mailing of a registered object
with return receipt

RA 5222 2406 5FR

RA 5222 2406 5FR

REGISTRATION RATE R1☒ R2☐ R3☐

This box for [illegible] only Presented on _____ Delivered on _____ Signature of recipient _____ [illegible]
--

ADDRESSEE LETTER <input checked="" type="checkbox"/> PARCEL <input type="checkbox"/>
M. GIRAUD, Jean-Pierre
7, rue de la Nativité
75012 PARIS
SENDER
Laboratoires Dolisos
1 avenue d'Alibi
81100 Castres
USE A BALL-POINT PEN/PRESS HARD

PROOF OF DELIVERY
PASSAGE RECEIPT
PROOF OF DEPOSIT
REGISTERED [CUT OFF]

Adresse pour correspondance**Elodie MONTAGNE**

1, avenue d'Albi

81106 Castres Cedex - France

Tél. : 05.63.71.47.25 - Fax : 05.63.71.47.33

elodie.montagne@pierre-fabre.com

M. GIRAUD Jean-Pierre

7, rue de la Nativité

75012 PARIS

Castres, 3 juin 2003

PAR LETTRE RECOMMANDEE
AVEC ACCUSE RECEPTION

Réf. : EM / FE / Lettre Elodie

Objet :**DOLISOS /AIRSEC****Brevet Tube distributeur de granules**

Monsieur,

Nous vous rappelons que nous vous avons déjà transmis trois courriers concernant le brevet « tube distributeur de granules ».

Nous n'avons reçu aucune réponse de votre part à ce jour.

A toutes fins utiles, nous vous transmettons une copie complète de la demande de brevet américaine US-09/869,768.

Cette demande de brevet est issue de la demande de brevet internationale PCT/FR/03 317, dont nous vous transmettons également une copie.

Vous noterez que dans les pièces de la demande de brevet US-09/869,768 figure un document intitulé « Declaration » que nous vous remercions par avance de signer et de nous retourner.

Ce document est nécessaire pour que la demande américaine puisse prospérer.



Pierre Fabre

Nous vous remercions par avance de nous retourner ce document signé avant le 20 juin 2003.

Nous vous informons qu'un défaut de réponse de votre part dans ce délai sera considéré comme refus de signer.

Nous vous remercions par avance de votre diligence dans ce dossier.

Nous vous prions d'agréer, Monsieur, nos sincères salutations.



Elodie MONTAGNE

P.J. : 3 documents

LA POSTE


AVIS DE RÉCEPTION
DE VOTRE ENVOI
RECOMMANDÉ

RA 5222 2406 5FR

Présenté le :

Distribué le :

Signature du destinataire :

13/06/53


616-2 08 Euro - P.L. 2 - 200000

RETOUR À :

Laboratoire Dolnos
J. Arnaud d'Albe
21100 CHARENTAIS

AVIS DE RÉCEPTION

SIREN 356 000 000 RCS MARSEILLE

AR



LA POSTE

ENVOI D'UN OBJET RECOMMANDE
AVEC AVIS DE RECEPTION

RA 5222 2406 5FR



RA 5222 2406 5FR

TAUX DE RECOMMANDATION R1 ☒ R2 ☐ R3 ☐

Cadre réservé au service

Présentation le _____

Distribution le _____

Signature du destinataire: _____

010-9 V9 Puro - PFL 2 - 220209

Date	Prix	Contre-remboursement	Reçu de l'objet

DESTINATAIRE LETTRE ☒ COLIS ☐

M. GIRAUD Jean Pierre
7, rue de la Navire
75012 PARIS

EXPÉDITEUR

Laboratoire Colis
1, Avenue d'Alger
81100 CARPES

PREUVE DE DISTRIBUTION

AVIS DE PASSAGE

PREUVE DE DEPOT

RECOMMANDE A R

UTILISER UN STYLO A BILLE / APPUYER FORTEMENT

SIREN 366 000 000 RCS NANTERRE



DT20 Rec'd PCT/PTO 06 OCT 2003

CERTIFICATE MAILING
UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner of Patents and Trademarks, Washington DC 20231 on
October 3, 2003.

Dated: October 3, 2003

PF 96 PCT/dln

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ATTENTION: BRIAN TUNG, ESQ.

Applicants : Jean Pierre GIRAUD & Roger NOBILET
Title : DISPENSER OF OBJECTS
Serial No. : 09/869,768
Int. Filing Date : 30 DEC 1999
Art Unit : 3651

* * * * *

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

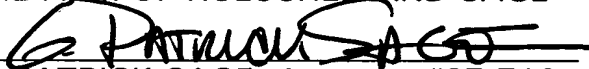
TRANSMITTAL OF DUPLICATE RENEWED PETITION

Dear Mr. TUNG:

In accord with your phone call to our offices on 02 OCT 2003, herewith please find a copy of the Renewed Petition under 37 CFR 1.47(a), mailed by us on 29 JUL 2003, along with a copy of our return post card, stamped by the USPTO showing a receipt date of on 01 AUG 2003. We are advised by our bank that our check for the one-month extension cleared 11 AUG 2003.

Respectfully submitted,

THE FIRM OF HUESCHEN AND SAGE

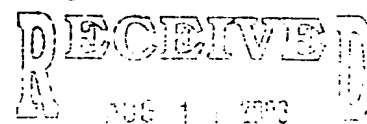

G. PATRICK SAGE, Attorney #37,710

Dated: October 3, 2003
Customer No. 25,666
500 Columbia Plaza
350 East Michigan Avenue
Kalamazoo, MI 49007
(269) 382-0030

Enclosure: Return Postal Card Receipt
Copy of Renewed Petition with copy of return post card



Applicant : Jean Pierre GIRAUD & Roger NOBILET
Serial No. : 09/869,768
Filed : June 29, 2001
Title : Dispenser of Objects
Art Unit : 3651
Examiner : Deborah D. WILLIAMS, Esq.



The USPTO mailroom stamp affixed hereon will acknowledge receipt by Certificate of Mailing filing procedure of: RENEWED PETITION UNDER 37 CFR § 1.47(a), Copy of June 3, 2003 correspondence forwarding a complete copy of the US and International Applications, along with an explanation that failure to sign and return the Declaration by a certain date would constitute a refusal to sign, Certified Translation of the same, Fee for one (1) month extension in the form of our check no. 71795 for \$110.00, and Return Postal Card Receipt.

PF 96 PCT / July 29, 2003 / gpsage

DT14 Rec'd PCT/PTO 01 AUG 2003